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File No. Est. II Reorganization 57

Legal Deptt.

C BRANCH

Subject:—

Reorganization of Scheme of Legal Department.

File No. Est. II Reorganization/57

CONTENTS.

Legal Department

Vol. Est II Reorganization/51.

Sr. No.	Compiliation No.	Subject.	Pages.
	Est II Reorganization/51.	Reorganisation of Scheme of Legal Department.	
1.	F.D.Circular 8411/33/23.12.50.	Temporary Posts making permanent with retrospective effect - Guiding principles for	
2.	F.D.Circular 8411/33/27.2.51 R.I.No.4991/13.3.51	Temporary establishment Conversion of - into permanent and Pensionable establishment.	

C O N T E N T S.

Legal Department

Vol. Est II Reorganisation/51.

Sr. No.	Compiliation No.	Subject.	Pages.
	Est II Reorganisation/51.	Reorganization of Scheme of Legal Department.	
1.	F.D.Circular 8411/33/23.12.50.	Temporary Posts making permanent with retrospective effect - Guiding principles for	
2.	F.D.Circular 8411/33/27.2.51 R.I.No.4991/13.3.51	Temporary establishment Conversion of - into permanent and Pensionable establishment.	

Temporary Posts.
Making permanent with retrospective effect-Guiding principles for.

Government of Bombay.
Finance Department.
Circular No. 8411/33.
Bombay Castle, 23rd December 1933.

Circular of Government.

It has been represented to Government that with the promulgation of the revised Pension Rules under which pension is determined by a Government servant's substantive pay, the delay in making permanent existing temporary posts of long duration will cause great hardship to many Government servants on the verge of retirement. Normally new posts must necessarily be sanctioned on a temporary basis for some time in order to ascertain whether they are required on a permanent basis or not; and Government servants officiating in such posts cannot claim any relief in respect of pension. However, in the circumstances arising from the last war and the subsequent developments in the country, a comparatively large number of posts are being continued on a temporary basis from year to year and persons have officiating continuously in such posts for an appreciable time.

The Special Officer (Retrenchment) has investigated the staff employed in every Government office and has made recommendations regarding the establishment required for the various offices and it will now be possible to decide the posts which are likely to be needed on a permanent basis. Government has considered whether any retrospective effect should be given to the orders making such posts permanent and is pleased to direct that whenever temporary posts of more than one year's duration are made permanent retrospective effect may be given to such order to the extent of one-half of the duration of the temporary period of the post, but in no case exceeding three years. While calculating the actual period to be allowed, account should be taken only of full months, broken periods of less than one month being ignored.

2. Government, however, desire to make it clear that the above principle is intended to serve only as a guide to the [illegible]

to give any right as such to the Government servant concerned.

3. These instructions will apply to temporary posts in existence on the date of issue of these orders and remain in force up to 1st April 1952.

By order of the Governor of Bombay,

Sd/- I.V.T. Rao.

Secretary to Government.

To

The Accountant General,
All Departments of the Secretariat.

N.V.D.
30/7
4c.

Temporary establishment:

Conversion of into permanent and pensionable establishment.

Government of Bombay.
Finance Department.
Circular Memorandum No. 8414/33.
Bombay Castle, 27th February 1951.

A large number of existing post have been sanctioned and are continued from time to time on a temporary basis. Many Departments have submitted proposals to Government for making temporary posts permanent where the permanent necessity of the posts is considered to have been established. Representations have also been received from service associations from time to time that temporary posts should be made permanent. As a result of those representations, steps have already been taken to liberalise the conditions of service of temporary employees in respect of leave. With the completion of his enquiry by the Officer on Special Duty (Retrenchment), it has now become possible to assess with reasonable accuracy what staff Government needs on a permanent basis for the discharge of functions of a more or less permanent character. Government has, therefore, decided that not exceeding eighty percent of the existing temporary posts in class III and class IV services, sanctioned in connection with increase in work which is likely to remain permanently, should be made permanent. As regards temporary gazetted posts, it has been decided that the question of making such posts permanent should be examined on merits and that only the number of gazetted posts which are required permanently should be sanctioned on a permanent basis.

2. The Administrative Departments of the Secretariat are now requested to formulate proposals for making temporary posts permanent in accordance with the decision of Government mentioned above and to forward them to this Department for scrutiny in the form of the accompanying Statement I. The

The proposals should be forwarded in a consolidated form in respect of each Department as a whole and not piecemeal, and should be framed in the light of the principles mentioned below. It is emphasized that the schemes or items of work in respect of which posts are proposed to be made permanent should be of a permanent nature and not of limited duration.

(1) Establishments which are to be excluded.

The establishments under the control of the officers mentioned in the accompanying Statement II should be excluded from the purview of these orders, as they are either purely temporary, or are still in a formative stage and are not likely to be converted into permanent establishments (like Milk Commissioner). Administrative Departments should similarly exclude other establishments which are not mentioned in the Statement (e.g., the temporary establishment of the Nasik Distillery) which may not be required permanently. Work-charged establishments and temporary staff and staff paid from contingencies are excluded from the purview of these orders.

(2) Posts sanctioned in connection with Post War Reconstruction.

All post-war reconstruction schemes should be reviewed with a view to determining which of them are of a permanent nature and which are of a purely temporary nature. In the case of schemes of a permanent nature, the staff required for temporary purposes such as preparation of projects, construction, etc. should be excluded from the purview of these orders. In reviewing the post-war reconstruction schemes, the recommendations of the Administrative Enquiry Committee accepted by Government in Government Resolution, Finance Department, No. 6917/33, dated the 18th May 1948, should be borne in mind.

(3) Temporary establishments.

Wherever standard units of staff have been prescribed, the existing permanent staff plus the staff proposed to be made

permanent .....

should not exceed the standard units save where Government has agreed to make exceptions. It should be noted that some of the standard units include posts which are allowed temporarily (e.g. the unit of clerical strength for the ~~xxxxx~~ Chitnis Branch of the Collector's office is 6 clerks, including one temporary, and the unit for Circle Inspectors allows a 50 per cent increase on account of supply activities). Such temporary posts should be excluded from the standard units for the present purpose.

(4) Gazetted posts.

Detailed justification for making permanent gazetted posts proposed to be created on a permanent basis should be given.

3. After the proposals are examined and accepted in Finance Department, the Administrative Departments will issue the necessary orders sanctioning the posts on a permanent basis. It is not necessary to submit the proposals as new items for the next year's budget.

By order of the Governor of Bombay,

Sd/- K.V.P. Rao.

Secretary to Government.

To

The Accountant General, Bombay,
The Deputy Accountant General, Baroda,
All Departments of the Secretariat.

} for information

K.V.D.
30/7
4c.

STATEMENT. I

Name of the Department :-

Major Head of expenditure:-

Serial No.	Name of the Office.	Designation of the post or posts.	scale of pay.	No. of posts in existence on 31st March 1950. Perma-nent posts.	Tempo-rary posts.	Total.	No. of posts retrenched since 31st March 1950.	Existing number of post * Perma-nent posts.	Tempo-rary posts.	Total.	Whether the posts proposed to be made permanent
1	2	3	4	5	6	7	8	9	10	11	12
			Rs.								

Date from which the temporary posts mentioned in column 12 were created.	Date upto which the temporary posts in column 12 have been sanctioned.	Number and date of the orders in which the posts mentioned in column 12(a) were sanctioned and (b) were last continued.	Reasons why the establishment cannot be treated as purely temporary and justification for making it permanent.	Remarks
13	14	15	16	17

* If the existing number of posts exceeds the number of posts in column 7 minus the number of post in column 8, the excess should be explained in the remarks column.

N.V.D.
30/7
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Finance Department. VIII

Submitted with reference to this Deptt. note dt. 31-3-51, on p. 3 ante.

The papers in connection with confirmations of personal in Legal Deptt. will be found below (flagged X). In this connection, attention is kindly invited to para 2 of Secy. F.D.'s note dt. 22-3-51 on p. 10 of the same. It has been clearly stated by Secy. F.D. that "the total no. of posts of Senior Supdts. & below, which can be sanctioned on a permanent basis to Legal Deptt. is indicated in para 8 of the statement on p. 11 of the said pps. flagged X, and the para 8 of the statement has clearly indicated the "total No. of permanent post after 80% of the temp. posts are made permanent."

Thus clearly, the intention is not to make any exceptions in the case of Legal Deptt. but to adhere to the general orders laid down in the matter.

Incidentally, it is not known in these pps, how far the reorganisation scheme has been brought into force. As late as in February 1951, in para 2 of its note dt. 11-2-51, the Legal Deptt. had stated that "the reorganisation scheme could not be brought into force because ....." Seeing, therefore, that Deptt. may be requested to implement the whole reorganisation scheme (as and when possible) in the first instance, watch the working and the result of the same thereafter, for two or three years and then consider the question of making of the posts permanent, in the light of the circumstances then prevailing.

If approved, Legal Deptt. may be informed accordingly.

N.V.L.
31/7
4c.

Legal Department.

submitted.

2. In accordance with G.C. in F.D. No. 8411/33, dt. 27-2-34, statement No. 1 is prepared and put up for approval in respect of making the temporary staff in the office of the Government pleader, High Court, Bombay, permanent.

3. Attention is invited in this connection to the remark made by F.D. in para 3 of that Legtt. office note, of 15-6-34 viz. Bombay Government has already taken up the question of making 80% posts permanent from time all the Govt. offices. This implies that in the F.D. wants L.D. to take up separately the question of making 80% posts in the G.P's office permanent in accordance with G.C.F.D. No. 8411/33, dt. 27-2-34 the form of the Statement I.

4. Accordingly the statement No. 1 is prepared & put up at [illegible] pages 81 & 82 ante post which on approved may be forwarded U.D. to the F.D. with a request to sanction the staff on permanent basis temporary staff permanent.

Sd/-

N.V.D.
31/7
4c.

Statement

Name of the Department: Legal Department

Major Head of Expenditure: 27 Administration of Justice-B. Law Officers-1. Presidency Law Officers.

Serial No.	Name of the office.	Designation of the post and scale of pay	No. of posts in existence on 31-12-60 temp.	total	No. of posts retrenched since 31-12-60.	Existing number of posts - posts per rat.	Temp. posts	total	Number of posts proposed to be made permanent.
1	2	3	7	8		9	10	11	12
1	The Government Pleader, High Court, Bombay.	Head clerk 250-10-300-15-345	1			1	-	1	
		Second clerk 150-10-200	1			1	1	2	1 second clerk
		clerks' 75-5-140-6-200	6	8		8	8	16	8 clerks
		Steno-typist 85-5-140-6-200 plus Rs. 30 S.A.	-	2	2		1	1(Steno-grapher 140-5-220-10-290)	1 steno typist
		Naik 40-1-50	-	1	1		1	1	1 Naik
		Peons 35-1-40	4	-	4		-	4	